

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, and members, Linn Anderson, Vincent Chiozzi, Mark Yanowitz, and John McDonnell (arrived 7:45); also present were Lisa Schwarz, Senior Planner, and Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for August 10th, and August 24, 2010. **Vote** Unanimous (4-0)

39-47 High Plain Road:

The Board opened the public hearings that were continued from the Aug. 24th meeting on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision. The subdivision consists of 2 existing lots that will be reconfigured to create one new lot, and is entitled 39-47 High Plain Road. Attorney Mark Johnson, representing the applicant, noted that an additional waiver request regarding the Mylar submission and the revised plans showing the metes and bounds of the driveway have been submitted. Ms. Schwarz noted that she reviewed the minutes for the Aug. 24th meeting and the associated outstanding issues. Ms. Anderson questioned whether lots 1 and 3 would be subject to any conditions of approval. Attorney Johnson reviewed the ZBA decision, which granted relief for the location of the barn, and the preservation restriction on the barn. He noted that they have started the process for the preservation restriction, and they submitted draft easements. Attorney Johnson stated that lots 1 and 3 should not be subject to the restrictions because there are existing houses on them, and noted that this is a 3-lot subdivision but only one new lot is being created. Ms. Schwarz reviewed an e-mail from Town Counsel, dated September 21st, which described a new condition # 43 regarding the review and approval of legal documents by the Planning Board and Town Counsel. Ms. Anderson questioned the sequence of events in order to comply with zoning. Attorney Johnson reviewed Mass. Gen. Laws 81U regarding the posting of a surety bond. He noted that Lots 1 & 3 should not be subject to the covenants and surety, and stated that Lot 2 cannot not be conveyed until the surety is posted. Ms. Schwarz reviewed her memo to the Board dated September 17, 2010 and the draft conditions. Ms. Anderson reviewed section VI (b) and VI (2) in the Subdivision Rules and Regulations and expressed concern that an approval by the Board would render the two lots non-conforming. Mr. McDonnell noted that the applicant agreed to fix the non-conformity by razing the part of the structure that is non-conforming. The applicant, Scott Gibson, noted Lot 1 will be sold within 2 months and the lot will comply with zoning prior to the sale; however on Lot 3 he would like the non-conforming porch to stay until the roadway is built to Lot 2. Ms. Byerley noted that the Board has approved plans where houses and other structures are to be razed prior to the start of construction. The Board discussed Ms. Schwarz' memo and draft conditions dated Sept. 17th, and draft language that no lots can be conveyed until the non-conformity is fixed. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision entitled 39-47 High Plain Road until after the other agenda items on the Sept. 21st agenda are finished. **Vote** Unanimous (5-0)

Weeping Willow Estates:

The Board opened the public hearings that were continued from the Aug. 24th meeting on an application by Greenwood-Andover Development, LLC for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates. The proposed subdivision is located on the corner of Greenwood and Chandler Road. Dan Koravos of DK Engineering Associates, representing the applicant, noted that the only outstanding issues that needed to be addressed were from DPW and ESS Group, and that they have been addressed. Ms. Byerley reviewed her memo to the Board dated Sept. 20, 2010 and gave the Board a handout from ESS Group and DPW stating all their comments have been satisfactorily addressed. Mr. Koravos also reviewed the revised plans with regard to DPW comments. Ms. Byerley reviewed the site walk that occurred today at 8:30 AM, and noted the landscape plan has not changed. Mr. Yanowitz asked for clarification regarding the location of the easement for the driveway at 206 Greenwood Road. Mr. Koravos noted the easement is on the landscape plan. Jim Sullivan of 9 Matthew Street had questions regarding the no cut zone and whether it was going to be identified in a deed restriction. The applicant, Raymond Cormier, stated it would be a deed restriction running with the property. Mr. Koravos noted that the driveway easement and screening at 207 Greenwood Rd. is on the landscape plan but will only happen with permission from the property owners. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to close the public hearings on an application by Greenwood-Andover Development, LLC for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates. **Vote** Unanimous (5-0)

39-47 High Plain Road:

The Board opened the public hearings that were continued from earlier tonight, September 21, 2009, on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision. The proposed subdivision consists of 2 existing lots that will be reconfigured to create one new lot, and is entitled 39-47 High Plain Road. The Board reviewed Ms. Schwarz memo dated Sept. 17, 2010 and suggested the following changes:

Page 2 under Special Permit Earth Movement last sentence change “movement” to “material”;

Page 3 under C. Abutter Concerns second paragraph; second sentence; delete the third word “is”

Ms. Anderson reviewed other small subdivisions construction and layout plans and suggested a reduced sketch showing what is to be built be attached to the restrictions as an exhibit. The Board discussed Ms. Anderson suggestion. Ms. Byerley noted that only the layout plan gets recorded at the registry of deeds, and noted that if the grading plan were recorded and there were a field change, then the recorded plan and as-built plan would be different. Ms. Byerley noted that the subdivision plan is available in the Planning Division and can be viewed by the public. Attorney Johnson reviewed some draft language for encroachments on lots 1 & 3.

On a motion by Ms. Anderson seconded by Mr. Yanowitz the Board voted to continue the application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision entitled 39-47 High Plain Road until September 28th at 8:00 pm. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 8:48 p.m.